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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,175	04/23/2001	Takashi Shoji	Q61188	4869

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Washington, DC 20037-3202

EXAMINER

LEE, SHUN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/839,175

Applicant(s)

SHOJI, TAKASHI

Examiner

Shun Lee

Art Unit

2878

AW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-15, 17-20 and 22-27 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☒ Claim(s) 16 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the species of an electrostatic recording medium having at least one photoconductive material layer in Paper No. 5 is acknowledged.
2. Claims 6, 9-11, 14-15, 19, 20, 22, and 25-27 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 8, 13, 18, and 24, directed to the species of stimuable phosphor layer are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. However, claim 3, directed to the species of stimuable phosphor layer remain withdrawn from consideration since it does not depend upon or otherwise include all the limitations of an allowed generic claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 24 (Fig. 3). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: the sentence (pg. 22, lines 14-18) including "vain" cannot be understood within the context of the application. Appropriate correction is required.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

6. Claims 16 and 21 are objected to because of the following informalities:
- (a) in claim 16, "the line reading out" on line 5 should probably be --the line reading light source--; and
 - (b) in claim 21, "the line reading out" on line 5 should probably be --the line reading light source--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zur (US 6,310,358).

In regard to claim 1, Zur discloses (Figs. 1A, 1B, and 2B) an image information read-out apparatus comprising an image read-out means (26) which is provided with a line reading light source (52) for scanning a recording medium (50) with a line reading light beam and reads out image information from the recording medium (50) in response to the line reading light source (52) scanning the recording medium (50), and an image read-out means moving means which moves the image read-out means (26) inclusive of the recording medium (50) and the line reading light source (52). The apparatus of Zur lacks an alarm means which informs the operator that the line reading light source is scanning the recording medium with the line reading light beam when a scanning detecting means detects that the line reading light source is scanning the recording medium with the line reading light beam. However, Zur also discloses (column 13, lines 63-65) that a read cycle is subsequent to x-ray exposure. That is, x-ray exposure and a read cycle should not overlap in time. Thus there must be an indicator (e.g., an alarm means responsive to a scanning detecting means) to ensure that the apparatus is not exposed to x-rays during a read cycle. Therefore it would have been obvious to one

having ordinary skill in the art to provide an alarm means responsive to a scanning detecting means in the apparatus of Zur, in order to ensure that the apparatus is not exposed to x-rays during a read cycle.

In regard to claim 2 which is dependent on claim 1, Zur also discloses (column 1, line 59 to column 2, line 9) that the recording medium (50) is an electrostatic recording medium having at least one photoconductive material layer (column 2, lines 21-27).

In regard to claim 4 which is dependent on claim 1, while Zur also discloses (Fig. 4) that the line reading light source (52) comprises at least one LED array or LD array (LEDs of each array arranged in at least one row; column 11, lines 1-7), the apparatus of Zur lacks an explicit description that the LED or LD array comprises a plurality of LED or LD chips. However, Zur also discloses (column 11, lines 10-25) that LED array (106) comprises of commercially available LEDs. Therefore it would have been obvious to one having ordinary skill in the art that the array of LEDs in the apparatus of Zur comprise of commercially available LEDs (e.g., a plurality of LED or LD chips).

In regard to claim 5 which is dependent on claim 1, Zur also discloses (Fig. 4) that the line reading light source (52) comprises at least one LED array or LD array (106; column 10, lines 63-67).

Allowable Subject Matter

9. Claims 6-15, 17-20, and 22-27 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: the instant application is deemed to be directed to a nonobvious improvement over the invention patented in US Patent 6,310,358. The improvement comprises in

Art Unit: 2878

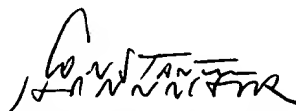
combination with other recited elements, a movement inhibiting or limiting means which inhibits the image read-out means movement or limits the direction and/or the acceleration of the image read-out means moved by the image read-out means moving means so that the direction is substantially perpendicular to the line reading light beam scanning direction or the force F acting on the line reading light source in the line reading light beam scanning direction becomes not larger than 10 kgm/s^2 .

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shun Lee whose telephone number is (703) 308-4860. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703) 308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878

SL
December 9, 2003